

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CV-550-D

JONATHAN W. SUPLER,)
an individual; on behalf of himself)
and all others similarly situated,)
Plaintiff,)
v.)
FIRST REVENUE ASSURANCE, LLC,)
a Delaware Limited Liability Company;)
and JOHN and JANE DOES numbers)
1 through 25,)
Defendants.)

ORDER

On February 5, 2010, First Revenue Assurance, LLC, filed a motion for judgment on the pleadings [D.E. 11] under Federal Rule of Civil Procedure 12(c). Plaintiff responded in opposition [D.E. 12]. The court applies the same standard for Rule 12(c) motions as for motions made pursuant to Rule 12(b)(6). See, e.g., Independence News, Inc. v. City of Charlotte, 568 F.3d 148, 154 (4th Cir. 2009); Burbach Broad. Co. of Del. v. Elkins Radio Corp., 278 F.3d 401, 405–06 (4th Cir. 2002). The court has considered First Revenue Assurance’s motion for judgment on the pleadings under the governing standard. See Fed. R. Civ. P. 12(b)(6), (c); Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–56 (2007); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464 (4th Cir. 2007) (en banc). In light of the governing standard, First Revenue Assurance’s motion for judgment on the pleadings [D.E. 11] is DENIED.

SO ORDERED. This 13 day of July 2010.



JAMES C. DEVER III
United States District Judge